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EXAMINER	
DARNO, PATRICK A	

ART UNIT	PAPER NUMBER
2169	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/643,815	DITTMAR ET AL.	
	Examiner	Art Unit	
	PATRICK A. DARNO	2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,6,8 and 10-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 5-6, 8, and 10-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. No new claims have been added. Claims 4, 7, and 9 are cancelled. Claims 1 and 12 have been amended. Claims 1-3, 5-6, 8, and 10-12 are pending in this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 5-6, 8, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,983,232 issued to Tuan Nguyen et al. (hereinafter "Nguyen") in view of U.S. Patent Number 6,603,483 issued to Todd D. Newman (hereinafter "Newman") and further in view of U.S. Patent Application Publication Number 2004/0122629 issued to William Earl Russell II et al. (hereinafter "Russell").

Claim 1:

Nguyen discloses a method for simulating process flows and for displaying the result calculated in the simulated process flows and/or intermediate results, comprising the steps of:

inputting or selecting at least one order data set via a user interface of a computer *(Nguyen: column 2, lines 51-58 and column 3, lines 14-18 and column 2, lines 34-39; Note that there are "acceptance test" conditions and measurements of throughput and yield. The acceptance test is the order data set. And the measure of throughput and yield is the result of how the configured process flow responds to the input test conditions. Also note column 3, lines 17-18, "values may be read into the template". This is inputting an order data set (which is actual test data) into a process data set. This creates a link as described below.)*;

selecting process data sets representing machines via a graphical user interface, the process data sets representing the machines being stored in a library *(Nguyen: column 5, lines 52-61 and column 11, lines 12-19; The Designer Elements (also referred to as designer objects) are the process data sets. This is because the Designer Elements are stored models of actual machines. So by selecting a particular Designer Element, you select a particular machine. This is exactly the applicant's definition of process data sets presented in applicant's specification paragraph [0011], lines 1-7.)*,

distributing the at least one order data set among the selected process data sets *(Nguyen: column 2, lines 34-39 and column 2, lines 51-58 and column 3, lines 14-18; Note that Nguyen: column 2, lines 34-39 recites, "The customer benefit tool according to the* ***present invention can be used to accurately represent production reality because, in one embodiment, it can handle distributed inputs and events*** *by using a dynamic model based on discrete event simulation." The distributed inputs and events or acceptance test are the ordered data sets.)*;

calculating links between the order data set and the process data sets as a function of the order data set and the process data sets *(Nguyen: column 3, lines 14-18; The calculating of links according to the Applicant is simply the process data (or machine device or design object) interacting with the input order data set (or print job or "acceptance test") allowing for a simulation based on the two sets of data to occur. This definition is found in the Applicant's specification in paragraph [0009], lines 1-4. This is what occurs in the Nguyen reference at column 3, lines 17-18 when it states "values may be read into the template to create the simulation object". So prior to the actual simulation, there is the device objects (process data) and input values (order data set or "acceptance test") and after they are both combined, the result is a linkage that allows the simulation to occur.)*;

creating a process flow from the calculated links *(Nguyen: column 8, lines 63 – column 9, line 4 and column 9, lines 23-27; Note that the simulation objects are built in here and in column 3, lines 14-18. These*

simulation objects are built as described above as a result of linking the process data and the order data. The simulation is then created from the simulation objects. The simulations carried out in the Nguyen reference are of assembly lines (process flow) of machine objects (column 11, lines 12-24). The simulation of the assembly line objects (process flow) cannot be carried out without first creating the simulation objects (links between process data and order data). Therefore the process flow (assembly line simulation) is in fact created from the calculated links (simulation objects).);

calculating results or intermediate results for the process flow using the order data set *(Nguyen: column 3, lines 4-20; After the simulator runs the order data set ("values read into the template (process data or design objects)), performance results from the simulations are sent to the reporting means.)*; and

outputting the results or intermediate results on a display of the computer *(Nguyen: column 3, lines 22-25 and column 9, lines 28-43)*.

The process flow simulation method set forth by Nguyen discloses configuring objects that represent assembly line (process flow) equipment to model tasks such as processes using electrical components, manufacturing processes, and other assembly processes using parameters characterizing the operation of the given object or process *(Nguyen: column 2, line 59 - column 3, line 11 and column 5, lines 45-46; Note specifically that in these two references Nguyen suggests using the simulation of process flows with respect to different types of objects (machinery) and different types of assembly and manufacturing processes.)*. Furthermore, the simulation method set forth by Nguyen uses this assembly line simulation to reduce the time and costs involved with the production of an assembly line *(Nguyen: column 15, line 63 – column 16, lines 17)*.

However, Nguyen fails to expressly disclose:

wherein the order data set represents a print job;

the print job determining minimum requirements to be met by a machine to be eligible as a process data set for a simulation and excluding machines that do not meet the requirements from the simulation;

wherein the simulation method to reduce time and costs is in the graphics industry.

Newman also discloses a simulation method designed to save the time and cost incurred from using actual machinery *(Newman: column 1, lines 18-22)*. Furthermore, Newman discloses wherein the order data set represents a print job *(Newman: column 1, lines 26-31; Note that the input to the simulation (order data set) is print job.)*; wherein the process data set represents a machine *(Newman: column 1, lines 26-31 and column 1, line 57 – column 2, line 8; See "device profiles")*; and wherein the simulation method is in the graphics industry *(Newman: column 1, lines 18-22)*.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Nguyen with the teachings of Newman noted above for the purpose of creating a simulation method designed to reduce the time and cost incurred using actual machinery *(Newman: column 1, lines 18-22)*. The skilled artisan would have been motivated to improve the teachings of Nguyen per the above in order to create a computer model using printing presses to simulate a printing process without incurring the time and expense of using an actual printing press *(Newman: column 1, lines 18-22 and 26-31 and Nguyen: column 16, lines 16-17)*.

The combination of Nguyen and Newman fails to expressly disclose:

the print job determining minimum requirements to be met by a machine to be eligible as a process data set for a simulation and excluding machines that do not meet the requirements from the simulation.

However, Russell discloses wherein the simulation input is responsible for determining minimum requirements to be met by a machine to be eligible as a process data set for a simulation and excluding machines that do not meet the requirements from the simulation *(Russell: paragraph [0038]; Note that the "set of limits" applied to the inputs of a simulation appear to further constrain the other factors of the simulation such as the "client-inputted reactor plant specific constraints" and "core performance criteria.")*.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Russell noted above. The skilled artisan would have been motivated to improve the previously mentioned combination per the above in order to establish a set of limits which further constrain additional variables in a simulation *(Russell: paragraph [0038])*.

Claim 2:

The combination of Nguyen, Newman, and Russell discloses all the elements of claim 1, as noted above, and Nguyen further discloses wherein the calculating of the links between the order data set and the process data set includes an evaluation method, the evaluation method including making a query as to which process data set is capable of processing an input or selected order data set of the at least one process data set so as to define positively queried process data sets *(Nguyen: column 8, line 63-column 9, line 1; The process data sets (designer objects) are queried from the spreadsheet.)*; writing the positively queried process data sets to a resource table *(Nguyen: column 9, lines 1-2; The data returned from the spreadsheet is placed in the Transfer File.)*; establishing ranking of the positively queried process data sets as a function of the process flow data and the order data set; selecting the process data set with a highest ranking; and assigning the process data set

with the highest ranking to the selected order data set *(Nguyen: column 9, lines 1-4; The process data extracted from the spreadsheet and place in the resource table (transfer file) in order to create the simulation objects. The simulation objects, as noted above, are the result of a link between the process data set and the order data set.).*

Claim 3:

The combination of Nguyen, Newman, and Russell discloses all the elements of claim 1, as noted above, and Nguyen further discloses wherein the calculating of the links between order data set and process data set includes a further method, the further method including sequentially assigning one of the order data sets of the at least one order data sets to one or more of the process data sets; comparing the order data sets and the assigned process data sets to each other; and in each case creating a best linkage as a function of the order data set *(Nguyen: column 3, lines 4-8 and column 8, lines 63-column 9, line 4).*

Claim 5:

The combination of Nguyen, Newman, and Russell discloses all the elements of claim 1, as noted above, and Newman further discloses wherein the process data set contains performance specifications or operating costs of a device of the graphics industry needed for the process flow *(Newman: column 1, lines 26-31 and column 1, line 57-column 2, line 25).*

Claim 6:

The combination of Nguyen, Newman, and Russell discloses all the elements of claim 5, as noted above, and Newman further discloses wherein the device is a printing press or a prepress device *(Newman: column 1, lines 18-35 and column 1, line 57 - column 2, line 5).*

Claim 8:

The combination of Nguyen, Newman, and Russell discloses all the elements of claim 1, as noted above, and Newman further discloses wherein prior to inputting and/or selecting steps, access to the at least one order data set stored in a library is provided. *(Newman: column 4, lines 37-40).*

Claim 10:

The combination of Nguyen, Newman, and Russell discloses all the elements of claim 1, as noted above, and Newman further discloses wherein the order data sets can be selected and called up from a library on a display device with the aid of a graphical user interface *(Newman: column 4, lines 37-40).*

Claim 12:

Claim 12 is rejected under the same reasons set forth in the rejection of claim 1.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen in view of Newman in view of Russell and further in view of U.S. Patent Application Publication Number 2003/0018542 issued to Hiroyuki Nakano et al. (hereinafter "Nakano").

Claim 11:

The combination of Nguyen, Newman, and Russell discloses all the elements of claim 1, as noted above, but does explicitly disclose wherein the process data sets contain dimensions associated with graphics industry devices or the dimensions associated with the devices are displayed on a display device.

However, Nakano discloses wherein the process data sets contain dimensions associated with graphics industry devices or the dimensions associated with the devices are displayed on a display device *(Nakano: paragraph [0025] and Fig. 2; The specification database stores the dimensions of machines in a data set.)*.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the previously mentioned combination with the teachings of Nakano noted above. The skilled artisan would have been motivated to improve the previously mentioned combination per the above such that the detailed specifications of a machine could help a customer decide whether or not to purchase the machine *(Nakano: abstract; The customer consults the specification of a machine before purchase and the specification includes the size of the machine. Using the size of the machine, the customer can determine if the machine (printing press) would fit in a desired place. If there is enough space, the customer would purchase the machine, if there is not enough space, the customer doesn't purchase the machine.)*.

Response to Arguments

Applicant Argues:

Furthermore, it is respectfully submitted that neither Nguyen et al. nor Herman discloses or teaches "distributing the at least one order data set among the selected process data set," as recited in claim 1.

Inputs cannot be distributed among the simulation objects at certain areas of the assembly line. It is respectfully submitted that there is no support in Nguyen et al. that the wording "it can handle distributed input" in col. 2, lines 34 to 39 is the same as "distributing the at least one order data set among the selected process data sets," as recited in claim 1.

Examiner Responds:

Examiner is not persuaded. Nguyen et al. discloses "distributing the at least one order data set among the selected process data set" [Nguyen: column 2, lines 34-39 and column 2, lines 51-58 and column 2, lines 14-28]. Specifically note Nguyen column 2, lines 34-39 which recites:

> "The customer benefit tool according to the present invention can be used to accurately represent production reality because, in one embodiment, **it can handle distributed inputs** and events by using a dynamic model based on discrete event simulation."

In the portion of Nguyen cited above, the distributed inputs and events are the order data sets. The process data sets have been clearly pointed out in the preceding office action. Based upon the express disclosure set forth in Nguyen specification, it is indisputable that Nguyen discloses distributed inputs.

Furthermore, the Examiner notes that the Applicant is arguing limitations not found in the claims. In response to Applicant's argument that the references fail to show certain features of Applicant's invention, it is noted that the features upon which Applicant relies [i.e., Inputs cannot be distributed among the simulation objects at certain areas of the assembly line.] are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Since it appears that each and every element of the Applicant's claimed invention are either disclosed or suggested by the prior art of record, the claims remain rejected under the reasons set forth in the preceding office action.

Examiner Notes:

All other arguments set forth by the Applicant are believed to be moot in light of the new grounds of rejection set forth in this office action.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. DARNO whose telephone number is (571)272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali can be reached on (571) 272-4105. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick A. Darno/
Examiner
Art Unit 2169
10-20-2008

PAD

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